

REMARKS/ARGUMENTS

In response to the Restriction Requirement mailed September 19, 2007, Applicants elect, with traverse, Group (i), directed to an α -tubulin polymerization inhibitor + IMPDH inhibitor combination. As required, Applicants further elect the following species: indanocine, an α -tubulin polymerization inhibitor, and mizoribine, an IMPDH inhibitor. As requested by the Examiner, Applicants identify the following claims as reading on the elected subject matter: claims 1-8.

The foregoing election is made with traverse. Groups ii-iv are also directed to methods of treating cancer by administering a therapeutically effective amount of an inosine monophosphate dehydrogenase (IMPDH) inhibitor and an agent that inhibits a cellular process regulated by GTP or ATP. Applicants, therefore, request that Group i and Groups ii-iv, all drawn to methods of treating cancer, be examined together.

The Office Action indicates that a generic concept will be identified by the Examiner at a later date. *See, e.g.*, Office Action at page 3. Applicants note that when the requirement for restriction is predicated upon the non-allowability of a generic linking claim, Applicants are entitled to retain in the case claims to the non-elected invention. If the generic linking claim is allowed, the Examiner must then examine non-elected claims to species falling within the genus. MPEP 809.04.

Finally, restriction of an application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. MPEP 803.01. Applicants respectfully submit that examining the claims of Groups i-iv together (methods of treating cancer by administering a therapeutically effective amount of an IMPDH inhibitor and an agent that inhibits a cellular process regulated by GTP or ATP.) would not place an undue burden on the Examiner. Applicants therefore respectfully request that the restriction requirement with respect to Groups i-iv be withdrawn.

Appl. No. 10/632,711
Amdt. dated July 11, 2008
Response to Office Action of January 14, 2008

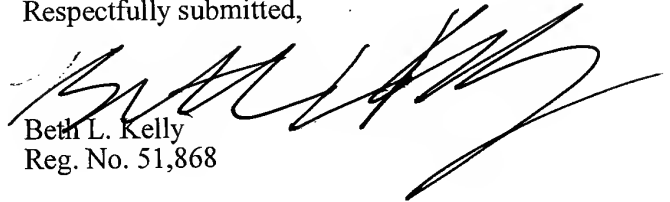
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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